

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Roads & Buildings - Sanction of an amount of Rs.16,39,814/- towards payment of decretal charges as per the orders of Principal Senior Civil Judge in OS.No.502/1996, dt.16.04.2002 and as per the orders of Hon'ble High Court in AS No.2210/2001, dated 21.07.2010 for the work Reconstruction of the Bridge across Muniyeru river and sub-work forming approaches to the bridge across the river at km 226 of H-V section of NH-9- Accorded - Orders - Issued.

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TRANSPORT, ROADS & BUILDINGS (R.II) DEPARTMENT

G.O.Rt.No. 925

Dt.23.09.2011

Read :

From the Engineer-in-Chief (R&B), Admn &NH, Lr.No.O.S  
no.502/1996/DCE-I(D)/NH/DEE-III/AEE/2011, dated.19-5-2011.

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ORDER:

In the reference 1<sup>st</sup> read above, the Engineer-in-Chief (R&B), Admn & NH., has stated that the work "Reconstruction of the Bridge across Muniyeru river and sub-work forming approaches to the bridge across the river" at km 226 of H-V section of NH-9 was sanctioned for an amount of Rs.401.24 lakhs and the sub work was entrusted to Sri B.Jaggareddy Class-I Contractor Secunderabad on 6-7-1993 by Superintending Engineer (R&B) Defunct Special N.H. Circle, Vijayawada with a stipulation to complete the work by 5-01-1994. The agreement Value is Rs.59,34,209/- and the work was executed. Since, the contractor has failed to complete the work within the agreement period, the agreement period was further extended upto 4/94 and the Contractor has completed within the extended period. As the work done by the contractor is defective the department has issued notice on 23-6-94 to rectify the work. Further a Telegraphic notice was also served to rectify the defects. The Contractor failed to rectify the work and the department has rectified the same by spending 6.32 lakhs duly entrusting to another contractor. Due to above reasons, the final bill was not settled. The Contractor has approached the Court of Law and filed a Suit before the Principal Senior Civil Judge, Vijayawada for recovery of Rs.11,00,000/- towards the balance of the work done, Rs.2,00,000/- towards refund of the E.M.D and other deposits and Rs.2,00,000/- for the extra items of work done as per the instructions of the authorities beyond the work and also claimed Rs.2,94,288/- towards interest from the date of statutory notice to the date of suit and numbered as O.S.no.502/1996. The department contended the suit. The Prl.Senior civil judge court, Vijayawada, Krishna district has attributes the cause for withholding the final bill by the department and reduced the claim to Rs 6,32,911.95. The trial court has pronounced the judgment duly adopting the lending rate of the interest by the banks during the relevant period.

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2. The Engineer-in-Chief (R&B), Admn & NH also stated that the Hon'ble Court pronounced Judgment and Decree on 16.4.2002 for Rs.8,32,911.95 which covers the final bill, EMD, and other deposits with subsequent interest at 18% p.a on the Decretal amount from 09-11-95 to till the date of filing of Suit ie., 18-09-96 and thereafter @ 12% p.a till the date of realization and also ordered to pay a sum of Rs.38,570/- towards cost in the Suit.

3. The Engineer-in-Chief (R&B), Admn &NH further stated that, an Appeal was preferred by the Department in the Hon'ble High Court of judicature A.P. Hyderabad against the judgment and decree passed by the lower court. The Appeal was numbered as A.S.No.2210/2002. Further the Hon'ble High Court dismissed the Appeal on 21-07-2010 and confirmed the lower Court order and Decree and enclosed the Judgment and Decree copy of lower Court. The Advocate General has opined that it is not a fit case to the matter in appeal to the Supreme Court by way of Special Leave Petition and advised to comply with the Decree as confirmed by Hon'ble High Court.

4. The Engineer-in-Chief (R&B), Admn &NH has further stated that the Government of A.P have permitted that Chief Engineer/NH to deposit a sum of Rs.4,38,750/- (Rs 4,00,000/- decretal amount and Rs.38,750/- cost of suit) in the lower court as per the Interim orders of High Court in CMP No.24107/2002 in AS no 2210/2002 dt 16-12-2002. Accordingly an amount of Rs.4,38,750/- the Cheque bearing No.001027, dt.31-3-2003 was deposited in principal Civil Judge Court, Vijayawada. The decretal charges Calculations by considering the deposited amount Rs.4,38,570/- dt.31-03-2003 and as per available records is as follows:

1. Principal amount	Rs. 832912
2. Cost of suit	Rs. 38570
3. Interest from 9/11/95 to 18/9/96 (10 months and 10 days) @18%=832912x(10/12+10/30x12)x18%	Rs. 129101
4. Interest from 9/9/96 to 31/5/11 (14 years 8 months and 13days)@12%=832912(14+8/12/(30x12)x12%=	Rs. 1469534
5. Deduct deposited amount in the court on 4/4/2003	Rs. -400000
6. Interest on deposited amount from4/4/2003 to 31/5/2011 (8 years1month 28days) @12%=400000(8+1/12+28/(30x12)x12 =391733	Rs.-391733
7. Cost of suit already deposited	Rs. -38570
Net amount payable to the decree holder	Rs.1639814

5. Therefore, the Engineer-in-Chief (R&B), Admn & NH has requested to release LOC for Rs.16,39,814/- (interest calculated upto 31-05-2011) to the contractor.

6. Government after careful examination of the matter hereby accord sanction of Rs.16,39,814/-(Sixteen Lakhs thirty nine thousand eight hundred and fourteen only) towards sanction for attaining payment to the Court as per the orders of Hon'ble High Court Dt.21.07.2010 in A.S.No.2210/2002.

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7. The amount sanctioned in Para (6) above shall be debited to the Head of Account MJH –5054 –COL on Roads and Bridges - 04-District and other Roads-800-Other Expenditure – GH. Normal State Plan. SH(04) Road Development Fund-State Allocation works. 530- Major works – 531- Other Expenditure (Charged) and shall initially be met by way of an advance from Contingency Fund, orders regarding which will be issued by Finance (BG) Department separately.

8. The Engineer-in-Chief (R&B) Admn & NH., Hyderabad shall take necessary action accordingly.

9. This order issues with the concurrence of Finance (Expr.PW) Dept., vide their U.O.No.24195/875/Expr.PWD/A2/11, Dt.19.09.11.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA RADESH)

**S.P.SINGH,  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief (R&B)Admin. & NH, Hyderabad

Copy to:

The Executive Engineer (R&B) National Highway Circle, K.B.C.  
Division, Vijayawada, Krishna District.

The Finance (Expr.PW) Deptt.,

The Accountant General, A.P.Hyderabad

The Pay and Accounts Officer, Hyderabad

The D.T.O., Krishna District dist.

The Director of Works Accounts, Hyd.

The Director of Treasuries & Accounts, A.P., Hyd.

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER